UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/16
5 February 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1993]

THE HUMAN RIGHTS SITUATION IN EAST TIMOR

1. In 1992 the international community expressed its indignation and reprobation concerning the gross and systematic violations of human rights by the Indonesian authorities in East Timor.

2. In March 1992, the Indonesian Government undertook before the Commission on Human Rights to improve respect for human rights in Timor and facilitate access by non-governmental organizations to the Territory. In August 1992, the Sub-Commission on Prevention of Discrimination and Protection of Minorities condemned the violations of human rights in Timor and called on the Indonesian Government to allow NGOs to have access to the Territory.

3. In actual fact, neither the authorities' undertaking nor the Sub-Commission's resolution has had any effect on the repressive attitude of the Indonesian Government towards the Timorese population: the information collected by the International Federation of Human Rights attests to a continuing deterioration of the situation in East Timor. Collective summary executions have again taken place, the list of the disappeared has grown longer and the population's fear has increased. The Church has been placed under close watch. The Indonesian Government did not even hesitate to prosecute persons arrested at the time of the Dili massacre in November 1991, handing down sentences of up to several years in prison under conditions of "confidentiality" that were absolutely incompatible with Indonesia's international commitments with regard to due process.

4. The Indonesian army launched a new offensive in East Timor in August 1992, in the hope of arresting Xanana Gusmao, Chief of the National Council of the Maubara Resistance (C.N.R.M.) who was indeed arrested near Dili in East Timor on 20 November 1991. Xanana Gusmao was immediately placed in solitary confinement, and, with the exception of the military and, at the very beginning, the Indonesian media for brief periods, no one was allowed to see him until 7 December 1991, when the International Red Cross (I.C.R.C.) was finally able to visit him. To date Xanana Gusmao has not even had access to a lawyer, in violation of the rules of criminal procedure in force in Indonesia itself. According to various reports, Xanana Gusmao was beaten, tortured with electric shocks and subjected to severe psychological pressure during interrogation. His emotional state is said to give cause for concern. There were systematic round-ups before and after the arrest of Xanana Gusmao. Members of his family and that of Abillo Raujo, Chief of the External Delegation of Fretilin (Frente Revolucionária de Timor Leste Independente) in Lisbon were arrested. In mid-November 1992, hundreds of persons were rounded up at Dili and in the district of Manaduto. It is estimated that several dozen persons are still being held, cut off from the outside world.

5. The clandestine resistance group FITUN was officially prohibited and its leaders forced to repent publicly. Some of them were arrested, as were other members of clandestine groups. Since the arrest of Xanana Gusmao, at least 20 of the persons closest to him have been arrested, tortured and ill-treated, and one of the detainees, Jorge Manuel Araujo Cerrano, has been tortured to death. Another detainee, still not identified, was hospitalized after being severely tortured in detention: he is said to have had his limbs broken and his fingernails and toenails torn out.

6. FIDH believes that Indonesia is continuing to violate knowingly international instruments for the protection of human rights, and the terms of the Fourth Geneva Convention of 1949, which protects the inhabitants of occupied territories, in particular the provisions of article 31, stipulating that: "No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties". Moreover, regarding access by non-governmental organizations to the Territory of East Timor, the Indonesian authorities are continuing to violate not only their own undertaking before the Commission on Human Rights at its forty-eighth session, but also the above-mentioned Sub-Commission resolution. Thus several NGOs, including the International Federation of Human Rights,

have been refused access to the Territory despite repeated requests based on both the authorities' undertaking and the Sub-Commission resolution.

7. A resolution adopted by the Executive Bureau of the International Federation of Human Rights on 25 November 1992 requests:

> "(a) The unconditional and immediate release of Xanana Gusmao, and of all of the persons detained solely on the grounds of their participation in the struggle for the liberation of East Timor;
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> (b) The immediate withdrawal of Indonesian troops from the occupied Territory of East Timor and the organization, under United Nations auspices and as quickly as possible, of a referendum on the self-determination of the Timorese people;
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> (c) An emergency meeting of the United Nations Security Council to decide, as an interim measure of protection, on the establishment of an international embargo on the sale of weapons to Indonesia, on the basis of article 41 of the Charter of the United Nations;
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> (d) Authorization to visit East Timor, in accordance with the resolution adopted by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1992."

8. The International Federation of Human Rights (FIDH) requests the Commission on Human Rights to react as energetically as possible to the gross and systematic violations that are continuing to be committed by the Indonesian authorities in East Timor, in complete contradiction with the authorities' undertakings to the Commission and in defiance of the injunctions of the Sub-Commission. In particular, the International Federation of Human Rights calls on the Commission to appoint a special rapporteur to monitor the human rights situation in Timor and to report thereon to the Commission at its fiftieth session and to the General Assembly at its forty-eighth session.